

REMARKS

Claims 1-35 are pending in this application.

By this Preliminary Amendment, new claim 35 is added.

In reply to the October 5, 2005 Restriction Requirement, Applicants provisionally elect group I, claims 1-19 and 26-34, with traverse.

New claim 35 is directed to the invention of Group I. Thus, new claim 35 should be examined with claims 1-19 and 26-34.

The Office Action has not adequately shown that the inventions are separately usable. The Office Action asserts, in effect, that simply because the claims directed to one invention do not have all the limitations of the claims directed to the other invention, restriction is proper under MPEP §806.05(d). This analysis is insufficient, and does not satisfy the burden imposed by §806.05(d). Specifically, the Examiner must show, "by way of example," that one of the subcombinations has utility other than in the disclosed combination.

In this case, the Examiner has not given an example. (The mere statement that claims directed to one invention do not have all the limitations of the claims directed to the other invention does not constitute "an example.") In fact, it is not clear how one subcombination would be useful in combinations other than that disclosed. For this reason, Applicants require that a specific example be given, or that the restriction requirement be withdrawn.

It is also respectfully submitted that the subject matter of all claims is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully

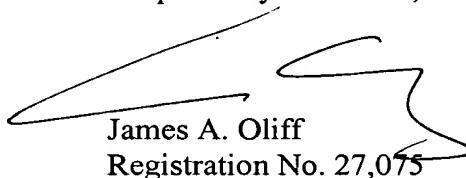
submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-35 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:
Amendment Transmittal

Date: November 7, 2005

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